

image of an object as a function of an angle of incidence of a vector normal to a viewing surface at the surface of the object when he discloses the mathematical method of using the cosine formula to figure out the angle of viewing for images." Applicant has studied Tannenbaum et al. and cannot identify specific language in the text or specific details in the drawings that teach or suggest the quoted language or the claimed features. Therefore, applicant respectfully submits that Tannenbaum et al. does not teach or suggest modulating the transparency of an object as a function of "a vector normal to a viewing surface." In fact, Tannenbaum et al. does not show or suggest modifying the transparency of an object at all. Tannenbaum et al. is concerned with representing, in a two-dimensional view, the refraction characteristics of non-opaque objects. Since Tannenbaum et al. does not teach or suggest each of the elements contained in the claims, applicant assumes that the Examiner is taking official notice of the missing elements. Applicant respectfully objects to the taking of official notice with a single reference obviousness rejection, traverses the assertion of official notice, and requests that the Examiner provide an affidavit in support of the Examiner's position as provided for in M.P.E.P. § 2144.03. If the Examiner cannot provide an affidavit, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 1-19.

Claims 16-19 recite "calculating a transparency factor." A *prima facie* case of obviousness requires that the references teach or suggest all of the elements of the claims. Applicant has been unable to identify specific language in the Office action showing that Tannenbaum et al. teaches or suggests "calculating a transparency factor." In fact, Tannenbaum et al. does nothing to alter the transparency of the objects shown. It is concerned with adjusting pixel values of an image with adjacent pixel values to provide a resultant image approximating a refracted image. Therefore, applicant respectfully submits that the Office action has failed to establish a *prima facie* case of obviousness, so applicant requests withdrawal of the rejections and reconsideration and allowance of claims 16-19.

#### **Allowable Subject Matter**

Claim 20 was allowed.

**Pertinent Subject Matter**

The references cited as pertinent but not relied upon by the Office action are not part of the rejections in the Office action, so applicant need not respond to the assertion of pertinence.

Applicant is expressly not admitting to this assertion of pertinence and reserves the right to address the assertion should it be included in a future rejection.

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

Serial Number: 09/210,055

Filing Date: December 11, 1998

Title: METHOD AND APPARATUS FOR CONTROLLING IMAGE TRANSPARENCY



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**Conclusion**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-371-2109) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JOHN DAVID MILLER

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 371-2109

Date

February 28, 2001

By

Danny J. Padys  
Danny J. Padys  
Reg. No. 35,635

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Technology Center 2600

**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 28th day of February, 2001.

Name

Dann M. Poire

Signature

Dann M. Poire